

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN LUCERO and SYVIA BARAJAS,
individually,

Plaintiffs,

v.

Civ. No. 12-00338 ACT/KBM

HARLEY-DAVIDSON MOTOR
COMPANY, INC., *et al.*,

Defendants.

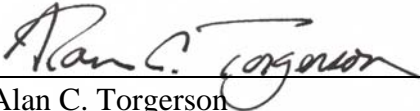
ORDER

THIS MATTER comes before the Court *sua sponte*. This case has been assigned to the undersigned as the Trial Magistrate Judge pursuant to D.N.M.LR-Civ. 73.1 [Doc. 2]. Plaintiffs filed a Motion to Remand on May 3, 1012 [Doc. 4]. Defendants Goodyear Dunlop Tires North America, Ltd. and The Goodyear Tire & Rubber Company (together, “Goodyear”) filed a response on May 21, 2012 [Doc. 17], which was joined in by Defendant Harley-Davidson, Inc. on May 22, 2012 [Doc. 18].

Both the motion and the response raise the issue of a Motion to Dismiss based on jurisdictional grounds, filed by Defendant Tote-Gote Sales, L.L.C. while the case was pending in the First Judicial District Court for Santa Fe County, New Mexico. Goodyear has also raised the issue of fraudulent or improper joinder in its response.

Because ruling on the Motion to Remand is a potentially dispositive proceeding, the undersigned trial Magistrate Judge could not rule on the Motion to Remand without the consent of all the parties pursuant to D.N.M.L.R.-73.1(b). None of the parties has yet responded to the Clerk’s Notice regarding the assignment of a Magistrate Judge as the presiding judge [Doc. 2].

IT IS THEREFORE ORDERED that the parties respond to the Clerk's Notice [Doc. 2] in accordance with D.N.M.L.R.-73.1(b) within 10 days. If all of the parties do not consent to the undersigned Magistrate Judge as the Trial Magistrate Judge, this case will be randomly assigned to a District Judge.



Alan C. Torgerson
United States Magistrate Judge